

"(1) except as otherwise provided in this section, not less than \$4.25 an hour during the period ending on September 30, 1996, not less than \$4.75 an hour during the year beginning on October 1, 1996, and not less than \$5.15 an hour beginning September 1, 1997."

(29 U.S.C. 206) (c) CONFORMING AMENDMENT.—Section 6 of such Act (29 U.S.C. 206) is amended by striking subsection (c).

SEC. 2105. FAIR LABOR STANDARDS ACT AMENDMENTS.

(a) COMPUTER PROFESSIONALS.—Section 13(a) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(a)) is amended by striking the period at the end of paragraph (16) and inserting "; or" and by adding after that paragraph the following:

"(17) any employee who is a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker whose primary duty is—

"(A) the application of systems analysis techniques and procedures, including consulting with users, to determine hardware, software, or system functional specifications;

"(B) the design, development, documentation, analysis, creation, testing, or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

"(C) the design, documentation, testing, creation, or modification of computer programs related to machine operating systems; or

"(D) a combination of duties described in subparagraphs (A), (B), and (C) the performance of which requires the same level of skills, and

who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than \$27.63 an hour."

(b) TIP CREDIT.—The last sentence of section 3(m) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(m)) is amended by striking "previous sentence" and inserting "preceding 2 sentences"

and by striking "(1)" and "(2)" and such section is amended by striking the next to last sentence and inserting the following:

"In determining the wage an employer is required to pay a tipped employee, the amount paid such employee by the employer shall be an amount equal to—

"(1) the cash wage paid such employee which for purposes of such determination shall be not less than the

cash wage
required to be paid such an employee on the date
of the enact-
ment of this paragraph: and

"(2) an additional amount on account of the
tips received
by such employee which amount is equal to the
difference
between the wage specified in paragraph (1)
and the wage
in effect under section 6(a)(1)."

The additional amount on account of tips may not exceed the
value of the tips actually received by an employee."

(c) OPPORTUNITY WAGE. — Section 6 of the Fair Labor Standards
Act of 1938 (29 U.S.C. 206) is amended by adding at the end
the following:

"(a)(1) In lieu of the rate prescribed by subsection
(a)(1), any
employer may pay any employee of such employer
during the
first 90 consecutive calendar days after such
employee is initially